

Hingtgen, Robert J

From: Waterman, Ryan R. <RRWATERMAN@stoel.com>
Sent: Friday, December 20, 2013 5:36 PM
To: Hingtgen, Robert J; Megan Lawson
Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; Witt, William
Subject: RE: 3910 120005, Soitec

Rob, Dudek has prepared this list. Megan can provide it to you.

From: Hingtgen, Robert J [mailto:Robert.Hingtgen@sdcounty.ca.gov]
Sent: Friday, December 20, 2013 4:03 PM
To: Waterman, Ryan R.; Megan Lawson
Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; Witt, William
Subject: RE: 3910 120005, Soitec

Ryan and Megan,

At this time we are not aware of any documents that were not prepared specifically for the project and are copyright protected. Furthermore, the language below states that the lead agency is not required to make those documents accessible in electronic format (but seems to leave it up to the lead agency). For these reasons we do not plan to make an index of such documents at the present time. But please let us know if you are aware of such documents.

And thank you for the reference to the Wind Energy Ordinance case. Please incorporate that information into Chapter 2.5.

Thanks,
Rob

From: Waterman, Ryan R. [mailto:RRWATERMAN@stoel.com]
Sent: Friday, December 20, 2013 3:22 PM
To: Megan Lawson; Hingtgen, Robert J
Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; Witt, William
Subject: RE: 3910 120005, Soitec

All,

AB 900 was amended with the passage of SB 743 this past Fall. Here's the revised text of PRC 21186(g), which will be applicable as of Jan. 1, 2014:

PRC 21186(g).

Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that were not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright-protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five business days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review.

Also, see the attached PDF of SB 743 for reference.

Also, the suit against the wind zoning ordinance is *Protect Our Communities Foundation v. San Diego County Board of Supervisors*, 37-2013-00052926-CU-TT-CTL, San Diego Superior Court (Jun. 13, 2013).

Best regards,

Ryan R. Waterman

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From: Megan Lawson [<mailto:mlawson@dudek.com>]

Sent: Friday, December 20, 2013 1:57 PM

To: Hingtgen, Robert J

Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; Waterman, Ryan R.; Witt, William

Subject: RE: 3910 120005, Soitec

Thanks Rob.

To clarify, the passage quoted below is not pulled from the PRC, but rather is just recommended text to fulfill the requirements of providing the AR. Ryan or Bill will need to advise on whether the County's public review notice is sufficient or if additional information is needed.

Megan Lawson, LEED AP ND

760.479.4243

From: Hingtgen, Robert J [<mailto:Robert.Hingtgen@sdcounty.ca.gov>]

Sent: Friday, December 20, 2013 1:55 PM

To: Megan Lawson

Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; rrwaterman@stoel.com; Witt, William

Subject: RE: 3910 120005, Soitec

Megan,

The location of the Notice and Appendix for Chapter 6.5 are fine.

The version of PRC § 21186(g) that I am looking at states only that the lead agency shall certify the final AR within 5 days of its approval of the project. I'm not familiar with the passage you've quoted regarding copyrighted materials, so let me know where that is. If we do need to specify which documents are copyright protected, please provide that index to us.

Our Legal Advertisement/Public Review Notice states where all documents can be obtained, but does not specify the location of electronic or hard copies (I'm still working on those numbers by the way). Obviously only electronic copies would be available on the website. I defer to counsel to provide additional guidance in this matter.

Thank you,

Robert Hingtgen, Planner III

Planning & Development Services

5510 Overland Ave., Suite 310
San Diego, CA 92123
M.S. O-650
Tel - (858) 694-3712
email - robert.hingtgen@sdcounty.ca.gov

From: Megan Lawson [<mailto:mlawson@dudek.com>]
Sent: Friday, December 20, 2013 12:55 PM
To: Hingtgen, Robert J
Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; rrwaterman@stoel.com
Subject: RE: 3910 120005, Soitec

Hi Rob,

I have added the notice to the page immediately following the cover page and when we split up the cover page/TOC section we will keep it with the cover page.

I will attach Chapter 6.5 as Appendix 1.0-2.

Additionally, I understand that the admin record will contain an index of copyright protected documents and that per Pub. Res. Code 21186(g) that the index "must specify the libraries or lead agency offices in which hardcopies of the copyrighted materials are available for public review."

Ryan recommended including the following note at the end of the index:

"A hardcopy of the materials listed here will be made available at the County of San Diego, Planning and Development Services, 5510 Overland Avenue, Suite 310, San Diego, CA 92123, for public review upon request. To request that any of these materials be made available for public review, please contact [INSERT APPROPRIATE CONTACT - ROB?] at [INSERT EMAIL AND TELEPHONE] business days in advance."

Patrick believes that the County has a special form they will publish with the document regarding availability and location of all documents, so that this is not necessary. However, please confirm.

Thanks,
Megan

Megan Lawson, LEED AP ND
760.479.4243

From: Hingtgen, Robert J [<mailto:Robert.Hingtgen@sdcounty.ca.gov>]
Sent: Friday, December 20, 2013 12:23 PM
To: Megan Lawson
Cc: Asha Bleier; Fogg, Mindy; Gungle, Ashley; Beddow, Donna; rrwaterman@stoel.com
Subject: 3910 120005, Soitec
Importance: High

Megan,

Please ensure the DPEIR contains the notice specified in Section 21187 of CEQA. This section does not state where to place the notice, so I suggest at the front of the TOC perhaps right after the cover page. The notice also states "A copy of Chapter 6.5 of the Public Resources Code is included in the appendix to this EIR." I suggest making Chapter 6.5 Appendix 1.0-1 and moving the Notice of Preparation to new Appendix 1.0-2, or making Chapter 6.5 new Appendix 1.0-2.

Please let me know where you'll place these items.

Thanks,

Robert Hingtgen, Planner III
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San Diego, CA 92123
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email - robert.hingtgen@sdcounty.ca.gov